REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 3-23 remain pending, Claims 11, 15, and 16 having been amended.[1] No new matter has been added.

In the outstanding Office Action, Claims 1, 6-7, 9-10, 17, and 21-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rodriguez, et al. (U.S. Pat. Pub. No. 2007/0136748, hereinafter "Rodriguez") in view of Akazawa, et al. (U.S. Pat. Pub. No. 2003/0065794, hereinafter "Akazawa") and Lin, et al. (U.S. Pat. No. 7,099,561, hereinafter "Lin"); Claims 3, 4, 18, and 19 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rodriguez, Akazawa and Lin, and further in view of De Vos, et al. (U.S. Pat. No. 6,760,917, hereinafter "De Vos"); Claims 5 and 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rodriguez, Akazawa, Lin, and De Vos, and further in view of Schlarb, et al. (U.S. Pat. No. 6,243,145, hereinafter "Schlarb"); Claims 8 and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rodriguez, Akazawa, and Lin, and further in view of Schlarb; Claims 11-12 and 15-16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Rodriguez in view of Akazawa and De Vos; Claim 13 was rejected under 35 U.S.C. § 103(a) as unpatentable over Rodriguez, Akazawa, and De Vos, and further in view of Schlarb; and Claim 14 was rejected under 35 U.S.C. § 103(a) as unpatentable over Rodriguez, Akazawa, and De Vos, and further in view of Lin.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a) as unpatentable over Rodriguez in view of Akazawa and Lin, Applicant respectfully traverses the rejection.

[1] The amendments to independent Claims 1, 15, and 16 find support in original Claim 13.

By way of review, Claim 1 recites, in part, a communication system including a data providing apparatus configured to provide data to said data processing apparatus, wherein said data processing apparatus includes:

> ***button display controlling means*** for displaying first buttons representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format, and ***for displaying a download button requesting to download software executing a function represented by the one of the second buttons when the one of said second buttons is selected,***
>
> executing means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons,
>
> ***downloading means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with one of said second buttons,***
>
> display updating means for updating a display of the one of the second buttons representing the function implemented by execution of the downloaded software, by displaying the one of the second buttons in said first display format, and
>
> ***new button display controlling means for displaying a new second button representing a new function corresponding to new function information.***

The outstanding Office Action concedes on page 5 that Rodriguez and Akazawa do not disclose "new button display controlling means for displaying a new second button representing a new function corresponding to new function information," and relies on Lin to overcome this deficiency.

As previously argued, Fig. 10 of Lin shows activation buttons in a ***pre-formed*** menu. Fig. 10(a) shows the standard menu with no visible buttons and Figs. 10(b) and 10(c) show the progressive activation of a single button and six buttons, respectively. While this may support the addition of a program that is selectable by a user, this happens during pre-processing in Lin. The buttons in Lin do not representing a new function corresponding to new function information. That is, Lin may be used to create new menus, however, Lin is silent regarding displaying a new second button representing a new function corresponding to new function information.

Hence, Lin does not disclose or suggest "new button display controlling means for displaying a new second button representing a new function corresponding to new function information," as recited in independent Claim 1.

Further, the Office Action concedes on page 3 that Rodriguez does not disclose "displaying a download button requesting to download software executing a function when a button is selected," and "downloading means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with one of said second buttons," and relies on Akazawa to cure this deficiency.

The Office Action cites Fig. 7 (B4) and lines 15-20 of paragraph [0046] of Akazawa as allegedly teaching displaying a download button requesting to download software executing a function represented when a button is selected, noting on page 5 that Lin is relied upon for a teaching of a second button feature. Further, the Office Action cites Fig. 7 (B4) and lines 4-15 of paragraph [0047] of Akazawa as corresponding to the claimed "downloading means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with one of said second buttons," again relying on Lin for a teaching of the second button feature.

Akazawa is directed to providing provision information registered in a central apparatus by a request for receipt of terminal devices connected to a central apparatus through a communication network. Akazawa describes a terminal device that accepts both provision and recipient information, and also accepts a provision format of the provision information for each recipient. According to Akazawa, the accepted provision information, recipient information and provision format are transmitted to a central apparatus. Indeed, in

Akazawa, provision information corresponding to the registered provision format is provided to a terminal device based on the received recipient information.

More specifically, Akazawa describes that download specifying button B4 has a hyperlink and that by clicking on this button, information of a link destination is transmitted to the central apparatus 1. When the download button B4 in Akazawa is clicked, the central apparatus 1 reads (from the provision information DB 152) a file in the original format of the member list for the study room in 2001 and transmits it to the terminal device 2. That is, clicking download button B4 provides a recipient with provision information, according to Akazawa.

Accordingly, while Akazawa may describe a button for downloading information, the downloading is not in response to a download request for software implementing a function associated with a another button. Indeed, Akazawa is silent regarding software implementing a function associated with a another button.

Hence, Akazawa does not disclose or suggest "downloading means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with one of said second buttons," as recited in independent Claim 1.

Moreover, assuming *arguendo* that Lin does provide a teaching of a new second button representing a new function corresponding to new function information, as asserted on page 5 of the Office Action, Applicant submits that the combination of Rodriguez, Akazawa, and Lin nonetheless fail to properly disclose the recited features of Claim 1. Applicant's Claim 1 requires (1) first buttons representing executable functions in a first display format; (2) second buttons representing optional functions in a second display format; and (3) a new second button representing a new function corresponding to new function information. The Office Action only provides for at most two types of buttons and does not tie their definitions

nor their functions together in a manner which corresponds with the recitation of the above-identified three features as they are defined in Claim 1.

M.P.E.P. § 2143.03 requires, to establish a case of *prima facie* obviousness, that all words in a claim must be considered in judging the patentability of the claim against the prior art. Further, M.P.E.P. § 2123 I states that a reference may be relied on for all it would have reasonably suggested to one having ordinary skill in the art, including non-preferred embodiments.

Therefore, for all of the above reasons, Applicant respectfully submits that the Official Action has failed to produce a *prima facie* case of obviousness. Accordingly, independent Claim 1 and claims dependent therefrom are believed to be patentable over Rodriguez, Akazawa, and Lin.

Independent Claims 6, 9, 10, 11, 17, and 21, while differing in scope and statutory class from Claim 1, patentably define over Rodriguez, Akazawa, and Lin for substantially the same reasons as Claim 1. Accordingly, it is respectfully submitted that Rodriguez, Akazawa, and Lin do not anticipate or render obvious the features of independent Claims 6, 9, 10, 11, 17, and 21. Therefore, independent Claims 6, 9, 10, 11, 17, and 21 are believed to patentably define over Rodriguez, Akazawa, and Lin.

With regard to the rejection of Claims 3, 4, 18, and 19 as unpatentable over Rodriguez, Akazawa, and Lin and further in view of DeVos, it is noted that Claims 3, 4, 18, and 19 are dependent from Claims 1 or 17, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that DeVos does not cure any of the above-noted deficiencies of Rodriguez, Akazawa, and Lin. Accordingly, it is respectfully submitted that Claims 3, 4, 18, and 19 are patentable over Rodriguez, Akazawa, Lin, and DeVos.

With regard to the rejection of Claims 5 and 20 as unpatentable over Rodriguez, Akazawa, Lin, and DeVos, and further in view of Schlarb, it is noted that Claims 5 and 20 are dependent from Claims 1 and 17, respectively, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Schlarb does not cure any of the above-noted deficiencies of Rodriguez, Akazawa, Lin, and DeVos. Accordingly, it is respectfully submitted that Claims 5 and 20 are patentable over Rodriguez, Akazawa, Lin, DeVos, and Schlarb.

With regard to the rejection of Claims 8 and 23 as unpatentable over Rodriguez, Akazawa, and Lin and further in view of Schlarb, it is noted that Claims 8 and 23 are dependent from Claims 6 and 21, respectively, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Schlarb does not cure any of the above-noted deficiencies of Rodriguez, Akazawa, and Lin. Accordingly, it is respectfully submitted that Claims 8 and 23 are patentable over Rodriguez, Akazawa, Lin, and Schlarb.

Regarding the rejection of Claim 13 (which is now relevant to amended Claims 11, 15, and 16) under 35 U.S.C. § 103(a) as unpatentable over Rodriguez, Akazawa, and De Vos, and further in view of Schlarb, Applicant respectfully traverses the rejection. The outstanding Office Action concedes that Rodriguez, Akazawa, and De Vos do not teach "category recognizing means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history," and relies on Schlarb to overcome this deficiency.

Schlarb is directed to driving a television display with a browse banner (310) or a program guide that includes channel information about channels included in a selected category and omits channel information about channels not included in a selected category. Schlarb merely describes that if the category associated with a second user input is a different

category from the category associated with a first user input, the display only presents program information associated with channels included in whichever category is selected (i.e. either that of the first user or the second user). Indeed, according to Schlarb, a user can browse television channel information by category. However, Schlarb is silent regarding recognizing a category of downloaded software based on a download history.

Hence, Schlarb does not disclose or suggest "recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history," as recited in amended, independent Claims 11, 15, and 16.

Accordingly, independent Claims 11, 15, and 16 and claims dependent therefrom are believed to be patentable over Rodriguez, Akazawa, De Vos, and Schlarb.

With regard to the rejection of Claim 14 as unpatentable over Rodriguez, Akazawa, and DeVos and further in view of Schlarb, it is noted that Claim 14 is dependent from Claim 11, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Schlarb does not cure any of the above-noted deficiencies of Rodriguez, Akazawa, and DeVos. Accordingly, it is respectfully submitted that Claim 14 is patentable over Rodriguez, Akazawa, DeVos, and Schlarb.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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